

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Kidarryl Phillips

Case No. 5:20-mj-1226-JG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 12 to February 28, 2020 in the county of Wilson in the Eastern District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2332a(a)(2)(D)

Threatened Use of a Weapon of Mass Destruction

This criminal complaint is based on these facts:

please see attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Gregory S. Garey, FBI

Printed name and title

On this day, Special Agent Gregory S. Garey appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Complaint.

Date: 28 February 2020

Judge's signature

City and state: Raleigh, North Carolina

James E. Gates, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Special Agent Gregory S. Garey, Federal Bureau of Investigation (FBI),
being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I, Gregory S Garey, a Special Agent of the Federal Bureau of Investigation (FBI), am a “federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), and as such am authorized to investigate violations of federal laws and request and execute search warrants issued under the authority of the United States. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since October 2008. I am currently assigned to the FBI Charlotte Division, Raleigh Resident Agency, on the Joint Terrorism Task Force (JTTF). I am also a Certified Special Agent Bomb Technician (SABT) and have been since July 2012. I have been trained and have extensive experience with investigating criminal and counter terrorism matter.

2. This affidavit is submitted as evidence of probable cause supporting the arrest warrant for KIDARRYL PHILLIPS (herein after referred to as PHILLIPS), date of birth XX/XX/1996, social security number XXX-XX-4216, home address 114 Powell St SE, Wilson, NC 27893, for Threatened Use of Weapons of Mass Destruction in violation of Title 18 U.S.C. § 2332a(a)(2)(D).

GJD

This affidavit does not set forth all information known to your affiant about this case and is being submitted for the purpose of providing sufficient information to establish probable cause.

APPLICABLE STATUTES

3. 18 U.S.C. Section 2332a(a)(2)(D) makes it unlawful for any person who, without lawful authority, uses, threatens, or attempts to use a weapon of mass destructions against any person or property within the United States, and the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce.

PROBABLE CAUSE - BOMB THREATS

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show that there is probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

6. On or about February 14, 2020, your affiant was informed of multiple bomb threats received by Collins Aerospace, dba Kidde Aerospace, Wilson, NC. Keith Bennett of Collins Aerospace, advised multiple bomb threats were received through text message to unrelated third parties.

7. On or about February 12, 2020 at approximately 1:23 pm EST,

GJD

Debbie Reason, Real Estate agent for Our Town Properties, Wilson, NC, received a text message from 252-302-0431 (Threat 1) stating: “well there’s a bomb at kidde aerospace UTC an your office hope u can save these people in Wilson nc bitch bye”.

8. On or about February 14, 2020 at approximately 1:42 pm EST, Nick Ellison, Real Estate agent for Our Town Properties, Wilson, NC received a text message from 252-680-1339 (Threat 2) stating: “I hope you can save these people at UTC kiddie aero an the us army reserve in wilson, NC the bomb will blow up at 630 tell them don’t look for it because they not going to find it praise allah”.

9. On or about February 14, 2020 at approximately 2:59 pm EST, Johnna Dorough, Real Estate agent for Bronco Realty, Wilson, NC, received a text message from 252-351-2798 (Threat 3) stating: “I hope you can save these people from UTC kiddie aero an the us army reserve in Wilson nc the bomb explodes at 630 tell them don’t look for it because they want find it all praises to Allah an isis”.

10. On or about February 17, 2020 at approximately 1:20 pm EST, Nick Ellison, Real Estate agent for Our Town Properties, Wilson, NC received a text message from 252-284-2083 (Threat 4) stating: “Hope you can save utc kidde aero space in Wilson nc there’s a bomb in the building don’t even think about the police they will never find it praise allah shamaha amen”.

GJD

11. On or about February 20, 2020 at approximately 11:29 pm EST, Connor Bedgood, Real Estate agent for The Chesson Agency, Wilson, NC received a text message from 919-355-3443 (Threat 5) stating: "There's a bomb at utc kiddie aero space in Wilson an the United states reserve in Wilson nc there's 6 bombs hope you can save these people praise allah".

12. On or about February 25, 2020 at approximately 1:39 pm EST, Johnna Dorough, Real Estate agent for Bronco Realty, Wilson, NC, received a text message from 919-729-9672 (Threat 6) stating: "There's 8 bombs in an out of UTC kidde aero space in Wilson hope you can save these people praise allah let them know I'm serious they all gone blow up".

IDENTIFICATION OF PHILLIPS

The Threat Phone Numbers and their account information are listed below:

Threat	Number	Provider	Associated Email	IP on Sign-up
1	252-302-0431	TextNow	szdrtgttred@gmail	Unknown
2	252-680-1339	TextMe	yyyhjko7fgy@gmail	2600:1:f220:9a74:0:4f:5cd2:f201
3	252-351-2798	TextMe	hyyyjkourr@gmail	2600:1:f208:2ca5:0:48:505:8b01
4	252-284-2083	TextNow	vvgghuyy@gmail	Unknown
5	919-355-3443	TextNow	yyyrgh6thgftff@gmail	99.203.84.125
6	919-729-9672	TextNow	bomfimtita973@gmail	99.203.84.193

13. On February 20, 2020, Wilson Police Department (WPD) requested subscriber information from Text Now and Text Me, based on exigent circumstances of a potential threat to life. Both providers are mobile messaging applications and collect a variety of subscriber information, as shown in the chart

GJD

above.

14. Text Me application, which was utilized for threats two and three, provided the IPv6 address utilized at signup for the individual accounts (threat two - 2600:1:f220:9a74:0:4f:5cd2:f201 and threat three - 2600:1:f208:2ca5:0:48:505:8b01). An open source search of the aforementioned IPv6 accounts reveal Sprint PCS as the provider.

15. On February 20, 2020, Sprint PCS advised both IPv6 addresses resolve to the SUBJECT DEVICE (phone number 252-315-2621) and has subscriber information as PHILLIPS. Service for the account began on February 7, 2020 and is assigned to a Samsung Galaxy A10 with an ESN 353339110681256.

16. Text Now application, which was utilized for threats one, four, five, and six, provided the IPv4 utilized at signup for the individuals accounts (threat five – 99.203.84.125 and threat six – 99.203-84.193). An open source search of the aforementioned IPv4 accounts reveal Sprint PCS as the provider. On February 20, 2020, Sprint PCS advised IPv4 are not traceable to a specific account, phone number, and/or a device ESN.

17. On February 20, 2020, Keith Bennett of Collins Aerospace was interviewed and confirmed PHILLIPS is a contract employee for Kidde Aerospace, Wilson, NC. PHILLIPS' is scheduled to work Monday through Friday 12:00 pm – 8:00 pm and is currently assigned to the shipping department. Bennett also provided the date and times PHILLIPS' entered Kidde Aerospace by means of

GJD

their internal badging process and how it correlates to the date and times of the bomb threats. Those results are as follows:

Threat	Number	Time Threat Text (EST)	Badge-in Time (EST)	Entry Location
1	252-302-0431	1:23 pm	1:25 pm	Old Shipping Electronics Door
2	252-680-1339	1:42 pm	1:44 pm	Shipping Door
3	252-351-2798	2:59 pm	3:15 pm	Receiving door
4	252-284-2083	1:20 pm	1:28 pm	Old Shipping Electronics Door
5	919-355-3443	11:29 pm	11:32 pm	Old Shipping Electronics Door
6	919-729-9672	1:39 pm	1:42 pm	Old Shipping Electronics Door

18. On February 26, 2020, your affiant sought a search and seizure warrant for PHILLIPS' Samsung Galaxy A10 with an ESN 353339110681256 based on the above facts. On February 28, 2020, U.S. Magistrate Judge James E. Gates authorized the search and seizure of PHILLIPS phone. See Search and Seizure Warrant, Case No. 5:20-MJ-1218-JG attached.

19. On February 28, 2020, enroute to serve the above-mentioned search and seizure warrant, another bomb threat was received causing the evacuation of Kidde Aerospace in Wilson, NC. At approximately 2:00pm, employees of Kidde Aerospace were allowed back inside the facility.

20. At approximately 2:30pm your affiant accompanied by five other law enforcement officers entered the Kidde Aerospace facility and were escorted to PHILLIPS who was standing in the shipping area. Your affiant introduced himself as an FBI Special Agent and informed PHILLIPS we wanted to talk with him. A safety search was performed of PHILLIPS before entering the Kidde

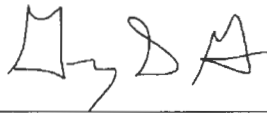
GJD

Aerospace conference room. The subject cellphone was located in PHILLIPS hoody jacket pocket. Your affiant informed PHILLIPS of the search warrant to search his phone and PHILLIPS indicated the cellular phone did not have a passcode.

21. The search of PHILLIPS cellular phone, the Samsung Galaxy A10 with an ESN 353339110681256, revealed that the phone had been cleared of all applications except those pre-installed on the phone. However, of the four recent application searches on the phone, two were Text Now and Text Me

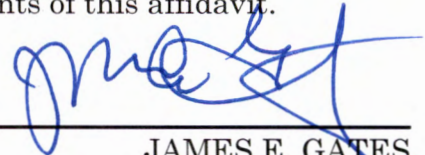
CONCLUSION

22. Based on the information presented in this Affidavit, I, Gregory S. Garey respectfully submit that there is probable cause to believe that Kidarryl Phillips is in fact guilty of Threatened Use of Weapons of Mass Destruction in violation of Title 18 U.S.C. § 2332a(a)(2)(D), and respectfully ask that the Court issue a warrant ordering his arrest for such crime. _



Gregory S. Garey, Special Agent
Federal Bureau of Investigations

On this 28TH DAY OF Feb. 2020, GREGORY S. GAREY appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this affidavit.



JAMES E. GATES
United States Magistrate Judge

GJD

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

INFORMATION ASSOCIATED WITH KIDARRYL
 PHILLIPS AND CELLULAR TELEPHONE ASSIGNED
 CALL NUMBER (252) 315-2621

Case No. 5:20-mj-1218-JG

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of North Carolina
 (identify the person or describe the property to be searched and give its location):

See Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B.

YOU ARE COMMANDED to execute this warrant on or before 13 March 2020 (not to exceed 14 days)
~~in the daytime 6:00 a.m. to 10:00 p.m. or at any time in the day or night because good cause has been established.~~

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any EDNC Magistrate Judge
 (United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for days (not to exceed 30) ☐ until, the facts justifying, the later specific date of

Date and time issued: 28 Feb. 2020
10:51 A.M.

City and state: Raleigh, North Carolina



Judge's signature

James E. Gates; United States Magistrate Judge

Printed name and title

ATTACHMENT A

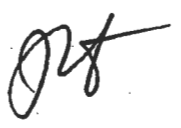
PROPERTY TO BE SEARCHED

The Person

The person of KIDARRYL PHILLIPS, DOB 12/22/1996

Electronic Device

The property to be searched consists of a Samsung Galaxy A10 – ESN 353339110681256, telephone number 252-315-2621 hereinafter “THE SUBJECT DEVICE.” The warrant authorizes the seizure of THE SUBJECT DEVICE and the forensic examination of the THE SUBJECT DEVICE for the purpose of identifying the electronically stored media described in Attachment B.

A handwritten signature in black ink, appearing to be 'JF' or similar, located in the bottom right corner of the page.

ATTACHMENT B

PARTICULAR ITEMS TO BE SEIZED AND/OR SEARCHED

1. This warrant authorizes (i) the seizure and search of the property identified in Attachment A for only the following and (ii) authorizes the seizure of the items listed below only to the extent they constitute the following:

(a) Evidence of violations of the below offenses (SPECIFIED FEDERAL OFFENSES)

1. 18 U.S.C. 2332(a)(2)(D) – Use of Weapons of Mass Destruction.

(b) any item constituting contraband due to the SPECIFIED FEDERAL OFFENSES, fruits of the SPECIFIED FEDERAL OFFENSES, or other items possessed whose possession is illegal due to the SPECIFIED FEDERAL OFFENSES; or

(c) any property designed for use, intended for use, or used in committing any SPECIFIED FEDERAL OFFENSES.

Subject to the foregoing, the items authorized to be seized include the following:

2. A Samsung Galaxy A10 subscribed to telephone number 252-315-2621, ESN 353339110681256.

FOR AND SEIZED

Subject to the foregoing, the items authorized to be searched include the following:

3. Any and all software, including programs to run operating systems, applications (such as word processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs, including, but not limited to, Text Now and Text ME mobile messaging applications..

4. Any and all notes, documents, records, or correspondence, in any format and medium (including, but not limited to, e-mail messages, chat logs and electronic messages) pertaining to the subject offenses.

5. Any and all notes, documents, records, or correspondence, in any format or medium (including, but not limited to, e-mail messages, chat logs and electronic messages, and other digital data files) concerning communications between individuals about the subject offenses or the existence of sites on the Internet that contain information regarding the subject offenses or that facilitate or conspire to commit the subject offenses.

6. Any and all notes, documents, records, or correspondence, in any format or medium (including, but not limited to, e-mail messages, chat logs and electronic messages, and other digital data files) concerning membership in online groups, clubs, or services relating to the subject offenses.

7. Any and all records, documents, invoices and materials, in any format or medium (including, but not limited to, e-mail messages, chat logs and electronic messages, and other digital data files) that concern any accounts with an Internet Service Provider.

8. Any and all records, documents, invoices and materials, in any format or medium (including, but not limited to, envelopes, letters, papers, e-mail messages, chat logs and electronic messages, and other digital data files) that concern online storage or other remote computer storage, including, but not limited to, software used to access such online storage or remote computer storage,

user logs or archived data that show connection to such online storage or remote computer storage, and user logins and passwords for such online storage or remote computer storage.

9. Any and all address books, mailing lists, supplier lists, mailing address labels, and any and all documents and records, in any format or medium (including, but not limited to, e-mail messages, chat logs and electronic messages, and other digital data files), pertaining to the preparation, purchase, and acquisition of names or lists of names to be used in connection with the purchase, sale, trade, or transmission, through interstate or foreign commerce by any means, including by the United States Mail or by computer, relating to the subject offenses.

10. Any and all documents, records, or correspondence, in any format or medium (including, but not limited to, e-mail messages, chat logs and electronic messages, and other digital data files), pertaining to occupancy or ownership of the device described above, including, but not limited to, agreements, utility and telephone bills, mail envelopes, or addressed correspondence.

11. Credit card information, including, but not limited to, bills and payment records.

12. Evidence that may identify any co-conspirators or aiders and abettors, including records that help reveal their whereabouts;

13. During the execution of the search of the person and devices described in Attachment A, law enforcement personnel are authorized to (1) press or swipe the

fingers (including thumbs) of PHILLIPS, who is reasonably believed to be a user of the device described in Attachment A, to the fingerprint scanner of the device(s); (2) hold the device(s) described in Attachment A in front of the face of PHILLIPS to activate the facial recognition feature or the device's iris recognition feature, for the purpose of unlocking the device(s) in order to search the contents as authorized by this warrant.